

Minority Report

I have been actively involved in the Streamside Setback Committee (SSC) since the inception in June of 2006. While diligently working with the rest of the SSC, I have several reservations about the Ravalli County Streamside Protection Regulation Final Draft Proposal. These reservations have been made by me, and others, during the last 15 months. Many of these problems were not given adequate consideration by many members of the SSC, and when the public brought up concerns they were viewed as the radical minority.

1. Boundary Verification Document: A rather late addition to the Draft Proposal was the "Compliance Permit." Because of other concerns this has been renamed to be the "Administration" section of the document or paragraph 1.7 and termed "Boundary Verification Document." This section requires that the Planning Department must review any proposed construction within 100' of the setback and maintain a map that shows the migration of the streams so that a once approved site does not become unapproved. Given the Planning Departments current workload, this would most certainly require additional manpower to accomplish, thus requiring an additional fee that would artificially inflate the current cost of housing. This provision would also put an additional burden on those landowners that are trying to stay out of the setback. To avoid this fee, the landowner would have an additional 100' added to whatever setback is currently in effect.

2. Setback and Buffer Distance: The distances for the setbacks and buffers are identified in table 2 of the Draft Proposal. These distances are very cumbersome to the landowner. I feel that the distances should be specific to the topography of the land that they are regulating. If there is a canyon or bluff, I feel that these distances are too great; if the land is flatter, the distance still may not be appropriate. The culmination of the scientific data for these distances has, as of the date of this Draft Proposal, not been completed. I feel that the Scientific Subcommittee of the SSC should have given a packet of peer reviewed data, as described in Resolution 3000, which specifically identifies these distances as appropriate and recommended. In doing my own reading and limited research there are varying opinions as to what distance is appropriate in these circumstances. However, most of the papers that I have read emphasize the importance of taking the local characteristics of the land in to account.

3. Agriculture: In paragraph 4.3 of the Draft Proposal, the SSC attempted to exempt all agricultural activities with the exception of anything with permanent foundations. I am in complete support of anything associated with agriculture being exempt from this document. I do not believe that there are an overwhelming number of barns with permanent foundations to be built.

4. Expansion of Existing Structures: Paragraph 5.3 of the Draft Proposal gives authorization for expansion of structures within the setback area for up to 50% of the original footprint or 1000 feet whichever is less. I feel this is an extreme requirement on a grandfathered structure. The section goes on to say that the expansion is only allowed

once. However, it does not provide a way for the county to monitor this, as the Boundary Verification Document only applies to new structures. The expansion section does not expressly identify improving or the expansion of existing roads. If the same criteria were applied to roads as applied to structures, it would be nearly impossible to pave a dirt road that was located in the setback.

5. **State Regulation:** Many citizens identified the need for a Ravalli County streamside protection document with the idea that it would prevent the state from imposing greater "one size fits all" regulations. Paragraph 8 states that whichever regulation is more restrictive, shall apply. This negates the entire reason for this document in the minds of some of the initially strongest proponents.

I support the idea of a Streamside Protection Regulation and would like to see the county come up with a document that is not only well thought out, but also scientific, appropriate for the topography of each parcel, and manageable; I do not believe that this is that document. If these basic goals cannot be achieved, then it is not the right time to implement regulations of this type in Ravalli County.

I encourage you to contact me with any concerns or questions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Travis A. Martinez", with a long horizontal flourish extending to the right.

Travis A Martinez
Bitterroot Building Industry Association Representative